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1 – Spill from ITC Deer Park plant fire threatening vulnerable marsh, Houston Chronicle, 3/28/19

<https://www.chron.com/neighborhood/deerpark/article/Spill-from-ITC-Deer-Park-plant-fire-threatening-13723602.php>

Oil pockets are threatening one of the only native salt marshes left in the Galveston Bay system after a fire at the upriver Deer Park plant caused chemicals to spill into the Houston Ship Channel.

2 – Texas A&M Water Researchers Find Waxy Residue Near Deer Park Disaster, Houston Public Media, 3/27/19

<https://www.houstonpublicmedia.org/articles/news/2019/03/28/327062/texas-am-water-researchers-found-waxy-residue-near-deer-park-disaster/>

Texas A&M researchers say they've spotted abnormal water conditions near last week's Deer Park chemical disaster. The team has been collecting water and air quality samples in Galveston Bay quarterly since June 2017.

3 – No drinking water affected as ITC works to cleanup spill in Houston Ship Channel, 3/28/19

<https://abc13.com/no-drinking-water-affected-as-itc-works-to-cleanup-spill-/5222231/>

The Houston Ship Channel has reopened, but only during daylight hours, after being shut down for nearly a week due to chemicals leaking into the water from the tank fire at the ITC Deer Park facility.

4 – Arkansas farm-permits bill withdrawn for more study, NM Political Report, 3/28/19

<https://www.arkansasonline.com/news/2019/mar/28/farm-permits-bill-withdrawn-for-more-st/?news-arkansas>

A bill that would change how Arkansas' hog farms and many dairy farms receive permits won't be presented again this session after the bill's House sponsor asked lawmakers to move it into interim study Wednesday.

5 – NMED: Methane emissions in New Mexico highest in oil and gas regions, Carlsbad (NM) Current Argus, 3/28/19

<https://www.currentargus.com/story/news/local/2019/03/28/nmed-methane-emissions-new-mexico-highest-oil-and-gas-regions/3287574002/>

The world's largest methane cloud hangs above Farmington and the Four Corners area of northwest New Mexico. But to the southeast, where oil and gas production boomed in recent months, emissions could grow drilling and extraction grows in what could be the biggest shale deposit ever discovered in America, per a report last November from the U.S. Geological Survey.

6 – Colonial Landfill operators agree to more testing for gas emissions, odors in suit settlement, Baton Rouge Advocate, 3/28/19

https://www.theadvocate.com/baton_rouge/news/article_5d715d20-519a-11e9-8753-7be041201ecb.html

The operators of the Colonial Landfill near Sorrento have agreed to increased air monitoring for two years under a settlement ending litigation over a permit allowing expanded dumping at the decades-old waste pile.

7 – EPA Lawsuit Around Landfill Emissions Rule Moving Forward, Baton Rouge Advocate, 3/29/19

<https://www.waste360.com/legal/epa-lawsuit-around-landfill-emissions-rule-moving-forward>

The legal battle among eight states and the U.S. Environmental Protection Agency (EPA) over a stalled methane emission guidelines rule for municipal solid waste landfills is ongoing. The states that are suing the agency for delaying action on the rule will have their day in a California U.S. district court on April 25, four months after the EPA's motion to dismiss was denied.

8 – Environmental group seeks to intervene in lawsuit over Taylor Energy spill, New Orleans Times-Picayune, 3/28/19

<https://www.nola.com/environment/2019/03/environmental-group-seeks-to-intervene-in-lawsuit-over-taylor-energy-spill.html>

An environmental group is seeking to intervene in the legal dispute between Taylor Energy Company and the U.S. Coast Guard over the company's handling of a long-running oil leak at a site 10 miles Southeast of the mouth of the Mississippi River.

9 – State to spend \$80 million on flood protection barge gate for Morgan City area, New Orleans Times-Picayune, 3/28/19

<https://www.nola.com/environment/2019/03/state-to-spend-80-million-on-flood-protection-barge-gate-for-morgan-city-area.html>

The state Coastal Protection and Restoration Authority will provide \$80 million over the next three years to build a major barge floodgate on Bayou Chene at Amelia that is aimed at blocking backwater flooding of large parts of Morgan City and St. Mary Parish and five other parishes during high water events on the Atchafalaya River.

10 – EPA Science Panel Considering Guidelines That Upend Basic Air Pollution Science, Texas Public Media, 3/28/19

<https://www.tpr.org/post/epa-science-panel-considering-guidelines-upend-basic-air-pollution-science>

Several members of a powerful science panel for the Environmental Protection Agency expressed doubt at a hearing Thursday about the long-established scientific consensus that air pollution can cause premature death.

11 – Loans to fund water, sewer upgrades, Arkansas Democrat-Gazette, 3/29/19

<https://www.arkansasonline.com/news/2019/mar/29/loans-to-fund-water-sewer-upgrades-2019/?news-arkansas>

Five Arkansas municipalities collectively will receive \$5.7 million in loans for improvements to water and wastewater systems, the U.S. Department of Agriculture announced Tuesday.

12 – Water Safe After Recent Gold King Mine Release, Los Alamos (NM) Daily Post, 3/29/19

<https://www.ladailypost.com/content/water-safe-after-recent-gold-king-mine-release>

Water in the San Juan and Animas rivers is safe following the mid-March failure of the wastewater treatment facility in Gladstone, Colo., which treats drainage from Gold King Mine.

13 – ExxonMobil to report plastic pollution spills, shareholders say, Houston Chronicle, 3/29/19

<https://www.chron.com/business/energy/article/ExxonMobil-to-report-plastic-pollution-spills-13723319.php>

Exxon Mobil, under pressure from shareholders, has agreed to report plastic pellet spills from its polymer production plants to prevent ocean pollution, according to a shareholder group that focuses on corporate responsibility.

Spill from ITC Deer Park plant fire threatening vulnerable marsh

By Samantha Ketterer, Matt Dempsey, and Nicole Hensley Updated 10:58 pm CDT, Thursday, March 28, 2019



IMAGE 1 OF 19

In a Wednesday, March 20, 2019 photo, runoff from the now-extinguished petrochemical tank fire at Intercontinental Terminals Company is blocked by an oil skimming buoy, in Deer Park, Texas. Fire crews

... more

Oil pockets are threatening one of the only native salt marshes left in the Galveston Bay system after a fire at the upriver Deer Park plant caused chemicals to spill into the Houston Ship Channel.

Traces of the oil — believed to be linked to the upstream Intercontinental Terminals Co. petrochemical fire — was found along the marshy shoreline near the San Jacinto Monument, ITC officials said. But oil booms have been placed around the sensitive wetland which contains the Santa Anna Bayou and where a menagerie of marine and bird species breed.

"Early on during this incident, hard boom was placed there in order to protect it, so we continue to assess it and evaluate it," U.S. Coast Guard Capt. Kevin Oditt said. "I understand that there is some oil along there."

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Ship Channel

o USS Texas battleship and meanders through

orm in the Houston area," said Bill Irwin, superintendent of the San Jacinto State Historic Site Complex, which houses the protected wetland.

The blaze and petrochemical spill have left Irwin concerned for the marsh.

"A lot of marshes have disappeared over the years because of development but this is one of the few areas in the whole Galveston Bay system that is a native marsh," Irwin said. "You can almost call it a remnant of a previous much larger system."

The oil was spied along the shore of the 1,200-acre battleground site during a Coast Guard flight Thursday morning, said Irwin, who has not been allowed to return to the facilities to assess possible contamination since the start of the March 17 fire.

"We know that there is material in the ship channel and we've been told there is material that is potentially affecting the shoreline," Irwin said. "We don't know the extent."

ON HOUSTONCHRONICLE.COM: ITC chemical fire site still 'a hot zone' to county investigators

Since the brunt of the chemical spill March 22, the areas of concern were expanded to Tucker Bayou, Carpenters Bayou, the northeast San Jacinto River, Old River and water adjacent to the ITC pier, according to ITC officials. An oily sheen has been found near the Lynchburg Ferry and the San Jacinto Port, as well as an area from the Boggy Bayou Basin to Peggy Lake.

More than 25,500 barrels of an oily water mixture were removed from the waterways by Thursday morning, ITC officials said.

The fire erupted at the chemical storage facility March 17 and burned for three consecutive days, with flare-ups erupting as recently as Friday. A wall that surrounded 15 storage tanks containing mostly gasoline components breached and sent the chemicals into the Houston Ship Channel.

Water testing continues

Nearly 100,000 feet of containment boom has been deployed in the affected areas, including an oyster bed in Burnet Bay as a precaution, ITC officials said later Thursday.

Some pockets of oil escaped the booms Wednesday, moving west to the Beltway 8 bridge, Oditt said. Those pockets are contained.

Researchers from Texas A&M found possible signs of chemicals from the ITC incident far beyond the Ship Channel area Saturday.

The A&M team has collected air and water samples from Galveston Bay since June 2017. When the team pulled water samples south of Atkinson Island in the bay Saturday, the water left a waxy residue on the hands of researchers.

"Since this is our eighth time sampling here in two years, we know that the water in Galveston Bay doesn't usually leave a waxy residue," said Jessica Fitzsimmons, lead scientist on the team and professor of chemical oceanography.

The chemicals seen by the researchers were also beyond the boundaries of the fish and shellfish consumption advisory issued by the Texas Department of State Health Services.

In two weeks, results of water testing will reveal if the chemicals seen by team came from the ITC incident.

NOT HAPPENING: San Jacinto Day Festival and re-enactment canceled as ITC fire investigation continues

Regardless of those tests, there should be limited long-term impact from the ITC incident on Galveston Bay waterways, Fitzsimmons said.

Wind, the tides and river discharges regularly force water out of the bay and into the Gulf of Mexico, and that should hold true for the discharge from ITC.

"The lifetime of water near the ship channel can be between 10 to 40 days," Fitzsimmons said.

The EPA is also monitoring wildlife impacts. One frog, one small bird, one red-eared slider turtle and 13 dead fish have been found, and a large bird, possibly a cormorant, was found injured. The cause of those deaths is under investigation.

Steady progress

Vessel traffic through the Houston Ship Channel has increased over the past several days, Oditt said. The waterway, which was closed from about Friday afternoon to Tuesday night, is open during daylight hours.

Eleven ships moved through the impacted area of the channel Tuesday, which was about 25 percent of usual traffic, Oditt said.

Wednesday, the number increased to 15 ships, or 35 percent of traffic. An additional 102 barges or tows moved through, and one ship and two tows required decontamination, Oditt said. Thursday morning, 55 ships were awaiting orders to cross to facilities above the area with oil pockets, and 19 ships were waiting to move outbound.

ITC officials are additionally continuing to secure the plant where 11 tanks of chemicals caught fire. About 70,000 barrels of chemicals have yet to be removed, ITC incident commander Brent Weber said Thursday. Most of those barrels are base oils, which aren't a major emissions concern, he said. The barrels containing gasoline blend stocks, some of which have a base of naphtha, are a priority, he said.

ITC is working to drain chemicals from the ditches, one of which caught fire when tanks reignited last week.

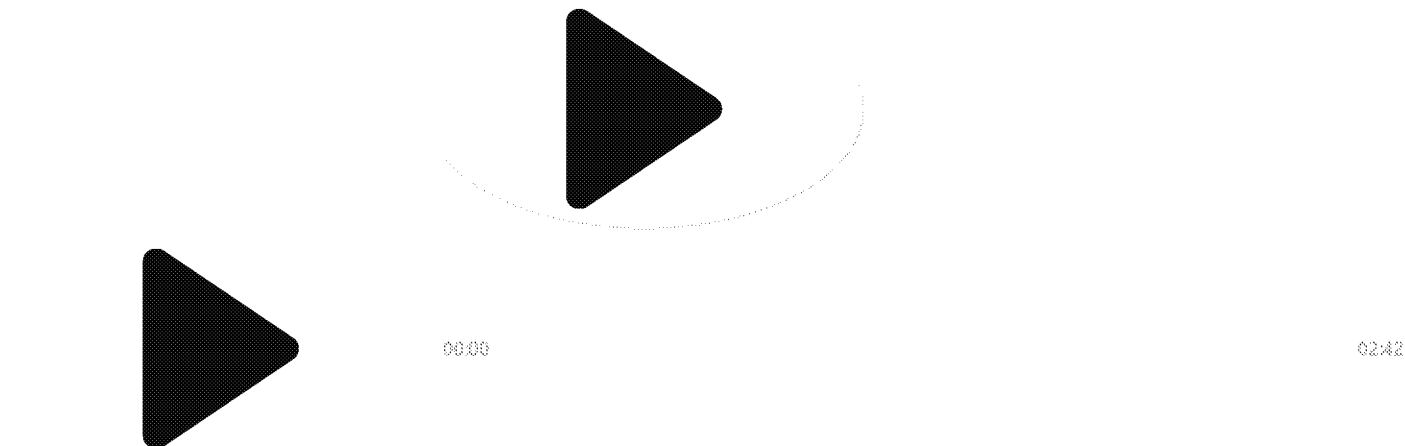
"Progress continues to be steady," Weber said. "And once again, I'll stress, we aim and strive to do all these objectives without impacting our community, without impacting our responders involved."

samantha.ketterer@chron.com

No drinking water affected as ITC works to cleanup spill in Houston Ship Channel

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No drinking water affected as ITC cleans up spill.

Thursday, March 28th, 2019 6:15PM

DEER PARK, Texas (KTRK) -- The Houston Ship Channel has reopened, but only during daylight hours, after being shut down for nearly a week due to chemicals leaking into the water from the tank fire at the ITC Deer Park facility.

During ITC's update on the cleanup efforts Thursday, Capt. Kevin Oditt with the U.S. Coast Guard said that a wind shift did cause some pockets of oil to escape some of the boom to contain the spill. They are currently reassigning skimming vessels to accommodate for that.

The oil moved west toward the Beltway 8 bridge but is expected to stay in the area between the bridge and the Lynchburg Ferry, Oditt said.

There are no known or suspected impacts to the drinking water, Harris County officials said.

About 35 percent of the normal traffic is currently getting through. Each vessel passing through the contamination zone has to be visually inspected.

There is still no time frame on when the Ship Channel will fully reopen.

No dangerous levels of benzene were detected overnight, officials added.

The Environmental Protection Agency and ITC said that the situation at the tank farm continues to grow more stable each day. One thousand personnel are also working on the cleanup and recovery effort.

Wednesday night, 4,100 barrels of oil and gas product were recovered by the Coast Guard, bringing the total to nearly 12,000 barrels recovered from the Ship Channel.

The area they're working in includes sensitive marshes. Thirteen fish, a frog and a turtle were found dead in Tucker Bayou.

After the initial fire on March 17, more tanks caught fire releasing air contaminants, and causing school districts in the area to cancel classes.

That included Deer Park ISD, which said students will not have to make up the four days lost last week.

The Texas Education Agency excused two of the days. The district was able to use extra minutes built into the calendar to cover the others.

La Porte ISD also will not have to make up days.

Meanwhile, the president and CEO of ITC, Bernt Netland, is talking to the public for the first time since the fire broke out.

He posted a message on YouTube, apologizing for the impact on the community.

"All of us are profoundly upset the incident happened and very sorry for its impact on the surrounding communities," Netland said.

"I want to thank all the first responders. I also want to thank the many members of the local, state, and federal agencies

who are here under the unified command. The professionalism of all these individuals is outstanding," Netland continued.

ITC's incident commander Brent Weber responded to Netland's apology when asked about it during a press conference.

"I know my CEO. I know his character. I can assure you that he is sincere, he's genuine, and when he speaks, he speaks from the heart," Weber said. "I'm proud to work for Mr. Netland, and I'm proud that he's my CEO."

"I'm proud to work for Mr. Netland, and I'm proud that he's my CEO," said ITC incident commander Brent Weber.

ITC is facing a number of lawsuits, including one by Harris County.

A law firm is holding a town hall in Deer Park Thursday at 6 p.m. to talk to those affected by the fire and the ongoing recovery effort.

That event will be held at St. Hyacinth Catholic Church.

Another 70,000 barrels of product needs to be pumped from damaged tanks to more secure ones. The next priority is to remove the gas blend.

The cause of the fire is under investigation.

The following parks are still closed until further notice:

Bay Area Park in Houston (Bay Area Community Center is open)
Clear Lake Park in Seabrook
Sylvan Beach in La Porte

Juan Seguin in La Porte
Rio Villa Nature Trail
Meadow Brook
River Terrace
Moncrief Park

The Lynchburg Ferry remains closed to the public.

LA PORTE: Seabreeze Park and Klein Retreat in La Porte will remain closed until further notice.

BAYTOWN: The City of Baytown reports, based on preliminary results from TCEQ and the Galveston Bay Foundation Water Sampling, the Baytown Nature Center will now be open.

Texas A&M Water Researchers Find Waxy Residue Near Deer Park Disaster

The team has been collecting water and air quality samples in Galveston Bay on a quarterly basis since June 2017.

JEN RICE | MARCH 28, 2019, 5:01 PM (LAST UPDATED: MARCH 28, 2019, 5:36 PM)



Courtesy of Dr. Jessica Fitzsimmons/Texas A&M Geosciences

The Houston Shipping Channel near Alexander Island.

00:09 / 00:49

Texas A&M researchers say they've spotted abnormal water conditions near last week's Deer Park chemical disaster.

The team has been collecting water and air quality samples in Galveston Bay quarterly since June 2017. They won't have lab results from their March 23 samples for another two weeks, but Dr. Jessica Fitzsimmons said the residue suggests chemical compounds, likely from the ITC runoff.

"When we put our hands in the water and our hands came up and dried, it wasn't a feeling that you normally get when sea water dries on your hands," she said. "Instead we had a waxy feeling on our hands that was an indicator that there is something different in the waters, even in greater Galveston Bay — in the northwest

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<iframe src="https://embed.hpm.io/327063/327062" style="height: 115px;
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Intercontinental Terminals Company said sensitive marsh areas near their facility haven't been impacted.

ITC clean-up continues

ITC said in a news release that, as of Wednesday morning, responders had removed approximately 696,990 gallons of oily water from the waterways impacted by the incident, which includes the Houston Ship Channel and several regional bayous such as Buffalo and Tucker.

In addition, approximately 1.5 million gallons of product mixed with water and firefighting foam had been removed.

Response personnel are still foaming the tank farm as needed to maintain at least a 2-foot level of foam, by pumping a mix of firefighting foam, water and remaining product from the ditch using vacuum trucks and hoses.

ITC executive Brent Weber said at a news conference Thursday the focus was to finish emptying tanks that contain gasoline blend stocks and base oil. Naphtha, which is highly flammable, is the base component in the gas blend stock. He also noted that all the Pygas had been transferred out of the tank farm.

"Progress continues to be steady," said Weber, while adding his company is also repairing ditches and assisting the EPA and the U.S. Coast Guard with cleaning the waterways.

Both Harris County and ITC said in news releases that there are currently no known or suspected impacts to drinking water.

The Texas Department of State Health Services has updated its fish consumption advisory for the upper Houston Ship Channel and recommends not eating any fish or crab from the ship channel or San Jacinto River north of the State Highway 146 Fred Hartman Bridge.

The Houston Ship Channel is currently open to traffic between Tucker Bayou and HSC Light 116 through coordinated vessel movement by the Coast Guard.

NMED: Methane emissions in New Mexico highest in oil and gas regions

Adrian C Hedden, Carlsbad Current-Argus Published 10:08 a.m. MT March 28, 2019

The world's largest methane cloud hangs above Farmington and the Four Corners area of northwest New Mexico.

The San Juan Basin in that region was known for years as an oil and gas and mining hotspot of New Mexico, where industrial emissions over decades may have contributed to the problem.

But to the southeast, where oil and gas production boomed in recent months, emissions could grow drilling and extraction grows in what could be the biggest shale deposit ever discovered in America, per a report last November from the U.S. Geological Survey.

More: [New Mexico ranked last for methane emission prevention](#)

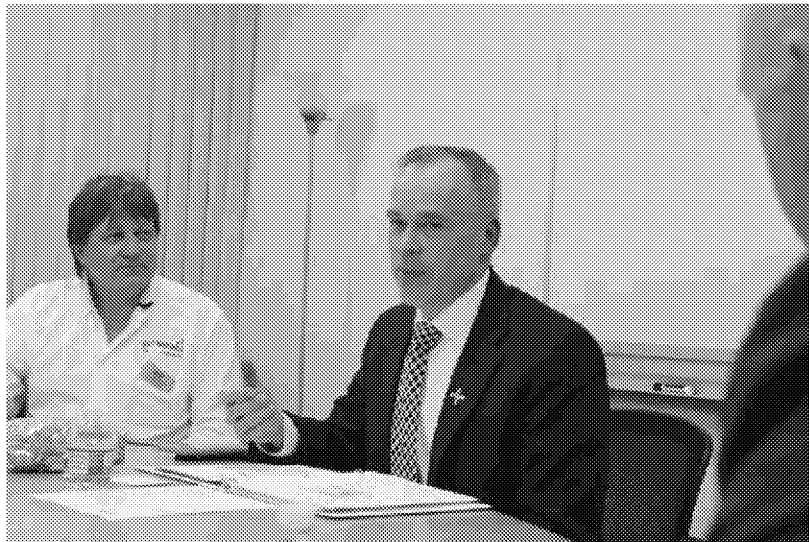
To better track these trends and help fight air pollution, the New Mexico Environment Department created and [published an interactive map](#) showing the density of oil and gas operations and the subsequent methane emissions.

Methane is a "potent" greenhouse gas with a global warming potential more than 84 times that of carbon dioxide (CO2), read an NMED report that cited the Intergovernmental Panel on Climate Change.

After CO2, methane is the most commonly emitted greenhouse gas by human activities, read the report, with nearly a third of emissions coming from oil and gas production and distribution.

More: [Social media posts propagate New Mexico State Land Office's green energy agenda](#)

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New Mexico Environment Department Cabinet Secretary James Kenney (right) speaks with Jack Volpato (left) and members of the Carlsbad Chamber of Commerce, Jan. 28, 2019 in Santa Fe. (Photo: Adrian Hedden | Current-Argus)

James Kenney, NMED cabinet secretary said the State needs to keep a closer eye on the emissions as production grows in New Mexico.

"NMED is offering this innovative mapping tool for the public and stakeholders to better understand the impacts of oil and natural gas on New Mexico's air quality," Kenney said.

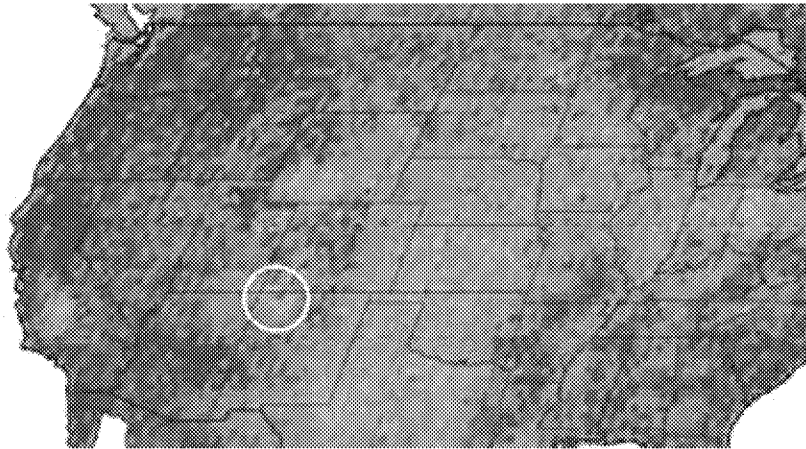
The map represented 4,000 oil and gas wells and tank batteries regulated by NMED's Air Quality Bureau, read an NMED news release.

More: [Another pipeline prepares to take crude oil from Permian Basin to Gulf Coast](#)

It could be expanded, the release read, to include other sources of emissions such as pipelines, compressor stations and gas plants as the data becomes available.

Emission estimates were calculated based on reported volatile organic compound (VOC) emission rates.

"As we add data to the map, it will also become apparent which oil and gas producers are going above and beyond to reduce methane emissions and which are falling behind," Kenney said.



Here is a view of the Four Corners methane hotspot. (Photo: NASA)

San Juan struggles with methane, Navajo Nation impacted

Many producers in the San Juan are already behind the curve, per a March study from the Environmental Defense Fund.

Oil and gas companies don't capture about 5.2 percent of the natural gas produced on Navajo Nation land, read the report, which is based in the San Juan region.

That's a rate about 65 percent higher than the national average, read the report, resulting in about \$3.4 million in lost revenue and \$895,000 in forgone royalty payments, the report read.

More: [Supporters of New Mexico fracking ban cite cultural, environmental concerns](#)

Jon Goldstein, director of legislative and regulatory affairs at Environmental Defense Fund said oil and gas production traditionally provided an "important" revenue stream for the Navajo Nation, and stronger regulations could help provide public services in Native American communities.

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Navajo Nation Council delegates listen to comments on Thursday about a bill to support a sole move by the Navajo Transitional Energy Company to acquire the Navajo Generating Station and Kayenta Mine. (Photo: Noel Lyn Smith/The Daily Times)

He worried that efforts from the federal government to rollback Obama-era emission protocols could further strain vulnerable communities in New Mexico — pointing to regulations at the federal Bureau of Land Management and Environmental Protection Agency that Goldstein said were reduced by the administration of President Donald Trump.

“As this analysis makes clear, methane waste and other pollution are hitting Navajo communities particularly hard,” said Jon Goldstein, director of legislative and regulatory affairs at Environmental Defense Fund.

More: [NM Climate Change Task Force confirmed by State Senate, energy industry cuts emissions](#)

“Luckily the Navajo Nation has an opportunity to enact tribal requirements and fill the gap left by the rollback of federal methane rules. We support the development of strong rules to protect the resources and well-being of the Navajo Nation.”

Laurie Weahkee, president of the Native American Voters Alliance said the Navajo Nation could enact its own regulations to combat emissions and preserve air quality.

“The federal government under the Trump administration has abandoned the role of good steward, and the Navajo Nation must act where it can to protect its resources and its people from unfair exploitation,” she said.

“Without federal protections from the Bureau of Land Management’s waste rule or EPA’s methane rule, it’s up to us to affirm our autonomy and protect our communities — stopping methane waste does both.”

More: [Prices begin recovery, oil and gas revenue grows in New Mexico](#)

Market-based solutions?

But Ryan Flynn, executive director of the New Mexico Oil and Gas Association said the industry is already using market-based solutions to cut back on emissions and saw progress.

He pointed to data released last fall by the U.S. Environmental Protection Agency that showed methane emissions in the San Juan Basin to the northwest and Permian Basin in the southeast declined from 2016 to 2017.

More: [New fees to be imposed on New Mexico oil and gas operations if bill is signed](#)

Industry emissions in the San Juan were reduced by almost 728,000 metric tons of CO₂ equivalent, read the release, and by 100,000 in the Permian, even as production boomed in late 2017.

“Absent any new regulation, oil and natural gas producers are leading the way in decreasing methane emissions,” Flynn said. “Falling methane emissions prove that we can increase production and protect the environment at the same time — it doesn’t have to be a choice.”

As New Mexico became the third-largest oil-producing state, Flynn said it is essential that operators continue to innovate in new ways to capture methane.

More: [U.S. Department of Interior Secretary David Bernhardt talks energy independence in Hobbs](#)

| Methane Emissions by Basin (in metric tons of CO ₂ equivalent) | | |
|--|--|--|
| Basin | San Juan Basin | Permian Basin |
| 2016 | 5,377,528 metric tons CO ₂ e | 8,400,000 metric tons CO ₂ e |
| 2017 | 4,649,788 metric tons CO ₂ e | 8,300,000 metric tons CO ₂ e |
| Difference | -727,750 metric tons CO ₂ e | -100,000 metric tons CO ₂ e |

*Data collected and obtained from the United States Environmental Protection Agency Large Facility Greenhouse Gas Reporting Program, 10/18/2018.

This chart shows reported methane emissions declines in the San Juan and Permian basins. (Photo: New Mexico Oil and Gas Association)

“We want to capture as much methane as possible, and it’s a priority for the oil and gas industry in New Mexico to continue to take the lead in reducing emissions through responsible operations and innovation,” Flynn said.

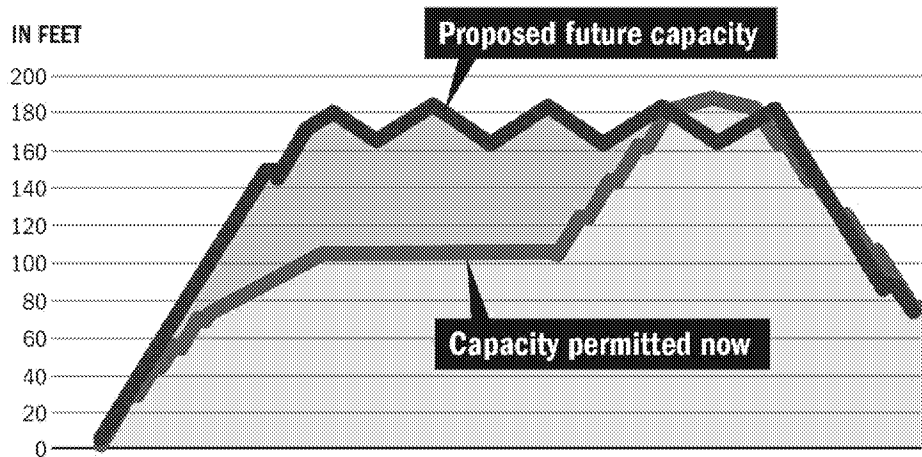
"New and creative technologies developed by oil and natural gas producers are driving these reductions and helping to reduce the footprint of required for production and operations. This market-driven approach makes New Mexico good for business, and good for our environment."

https://www.theadvocate.com/baton_rouge/news/article_5d715d20-519a-11e9-8753-7be041201ecb.html

Colonial Landfill operators agree to more testing for gas emissions, odors in suit settlement

BY DAVID J. MITCHELL | DMITCHELL@THEADVOCATE.COM MAR 28, 2019 - 9:25 PM

PROPOSED COLONIAL LANDFILL EXPANSION



Source: Louisiana Department of Environmental Quality

Advocate graphic by **DAN SWENSON**

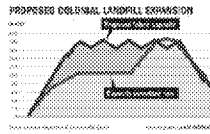
BY DAN SWENSON | THE ADVOCATE

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David Mitchell

The operators of the Colonial Landfill near Sorrento have agreed to increased air monitoring for two years under a settlement ending litigation over a permit allowing expanded dumping at the decades-old waste pile.

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LEAN, Ascension councilman sue over expansion of Republic Services' Colonial Landfill

BFI Waste Systems of Louisiana, a subsidiary of Republic Services, has agreed to hire a third-party company to test for methane and, in some cases, for hydrogen sulfide at the 287-acre landfill off La. 70 in Ascension Parish, an attorney for the plaintiffs said.

In the fall of 2016 and in early 2017, the permit drew public opposition as residents living near the waste pile complained about constant, rotten odors they claimed were coming from the landfill and harming their health and sense of well-being.

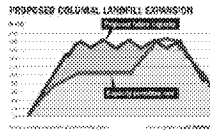
In January 2018, Louisiana Environmental Action Network and Ascension Parish Councilman Bill Dawson sued the state Department of Environmental Quality to appeal the permit.

BFI later intervened in the suit brought in 19th Judicial District Court in Baton Rouge, which is the statewide venue for legal challenges to the agency.

Though the deal with BFI requires the plaintiffs to drop their challenge of the state permit with prejudice — meaning the challenge to the permit can't be raised again — they hope the testing regime will show the origin of the odors, plaintiffs' attorney Clay Garside said.

BFI officials have maintained that a neighboring landfill, the Gator Landfill, was actually the source of the odors.

"We want BFI to prove up what they say. They may be right, that it's not them," Garside said, "and that's what we want to find out."



RELATED

DEQ renews permit, extends life of Ascension landfill despite complaints of residents

If the odors are found to be coming from the landfill, the new settlement doesn't preclude the plaintiffs from pursuing a future legal action over those findings, Garside said.

He said BFI will test for methane and, if the methane levels are high enough, will also test for hydrogen sulfide.

"To the extent they get a large enough hit of methane, they're going to switch to a hydrogen sulfide meter and test for that, which ... the smells that often come off the landfill are related to," Garside said.

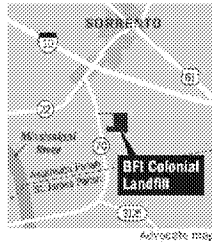
Methane is common gas emitted by landfills as materials dumped in them break down. Hydrogen sulfide, another gas that can come off a landfill, can have a rotten egg odor at lower concentrations. People can lose their ability to smell the gas at higher concentrations when it can turn deadly.

Even at low concentrations, hydrogen sulfide can cause eye, nose and throat irritation, difficulty breathing, headaches, poor memory and balance problems, according to the U.S. Agency for Toxic Substances and Disease Registry.

The state permit, which DEQ granted in December 2017, allows the landfill to expand its waste storage by 27 percent, adding another 6.5 million cubic yards of trash by raising a greater

portion of the waste pile to the previously approved maximum height of 186 feet.

The landfill isn't expanding its footprint, however.



RELATED

What's that smell? Sorrento residents complain about dump's foul odors, but no unsafe air found, DEQ says

The Colonial Landfill had previously been authorized to accept residential, commercial and nonhazardous industrial waste, including oil and gas exploration and production waste.

The new permit allows the landfill to continue to accept that waste and add construction and demolition debris and wood waste.

In the suit, the plaintiffs alleged DEQ did not reasonably address hundreds of complaints about the landfill's odors or its track record of complaints and permit violations when the permit was granted.

The settlement calls for monitoring of the entire landfill site every other month during the two-year testing period. The testing results will be published on a website so neighbors can see what is coming off the landfill, Garside said.

The settlement doesn't require what times of the day the testing must occur, he said.

Garside said the monitoring will come in addition to monitoring BFI is already required to do.

Under the permit, the company will be also be required to expand its gas collection and flaring system, purportedly cutting emissions by 75 percent.



EPA Lawsuit Around Landfill Emissions Rule Moving Forward

The states suing the EPA over stalled methane emission guidelines will have their day in a California U.S. district court on April 25.

Arlene Karidis | Mar 29, 2019

The legal battle among eight states and the U.S. Environmental Protection Agency (EPA) over a stalled methane emission guidelines rule for municipal solid waste landfills is ongoing. The states that are suing the agency for delaying action on the rule will have their day in a California U.S. district court on April 25, four months after the EPA's motion to dismiss was denied .

The 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills rule requires that states devise methane emission reduction plans or follow federal government plans. The states' plans were to be in place in 2017.

In a summary judgement hearing on April 25, the eight states will ask the U.S. district court for the Northern District of California to immediately order EPA to act on the rule. Specifically, their motion for summary judgement requests that EPA respond to already submitted state plans within 30 days, announce a federal plan within five months, respond to future state submissions within 60 days and submit status reports to the court every 60 days.

Plaintiffs are California, Illinois, Maryland, New Mexico, Oregon, Pennsylvania, Rhode Island and Vermont. They charge the EPA is in violation of the Clean Air Act by lagging on the rule established to manage landfill emissions of volatile organic compounds, hazardous air pollutants, carbon dioxide and methane.

“Noxious landfill emissions affect everyone but disproportionately hurt our most vulnerable communities, impacting their health, environment and standard of living,” says Xavier Becerra, California attorney general. “And given the role landfill emissions play in exacerbating climate change, EPA’s ongoing efforts to delay implementation of these regulations is unacceptable. We look forward to holding the EPA accountable for its failure to perform its mandatory duties under the Clean Air Act and for its unwillingness to protect public health.”

New Mexico submitted an implementation plan in May 2017. EPA’s failure to act on it by the November 2017 deadline has created regulatory uncertainty as the state’s plan is not federally enforceable, according to Cholla Khoury, director of Environmental and Consumer Protections in New Mexico, Office of the Attorney General for the state.

“More significantly, New Mexico is a water-scarce state that is extremely vulnerable to the impacts of climate change ... In addition, New Mexico is the home of the infamous methane ‘hot spot’ detected by satellites. Although this phenomenon is

attributed primarily to oil and gas development, it demonstrates that substantial reductions of this potent greenhouse gas are needed wherever they can be achieved," says Khoury.

Maryland Gov. Larry Hogan has called for a 40 percent reduction in greenhouse gases from 2006 levels by 2030 to mitigate climate change.

In Maryland's declaration, which was part of the motion for summary judgement, George S. Aburn, Jr. of the Maryland Department of the Environment stated, "... unless the impacts of climate change are effectively reduced, Maryland faces severe consequences."

Aburn went on to say a working group of the Maryland Commission on Climate Change (MCCC) estimates indicate that sea level could be as much as 2.1 feet higher in 2050 along Maryland's shorelines than it was in 2000.

"The MCCC recommends that it would be prudent to plan for such an occurrence," he says.

In particular, the state has expressed concerns over the impact of climate change from emissions on the Chesapeake Bay, which generates about \$1 trillion annually in revenue.

"Human development and pollution have degraded the natural resilience of the ecosystems of the bay and its watershed, leaving them more vulnerable to extreme events. Climate change will likely exacerbate this problem," notes Aburn.

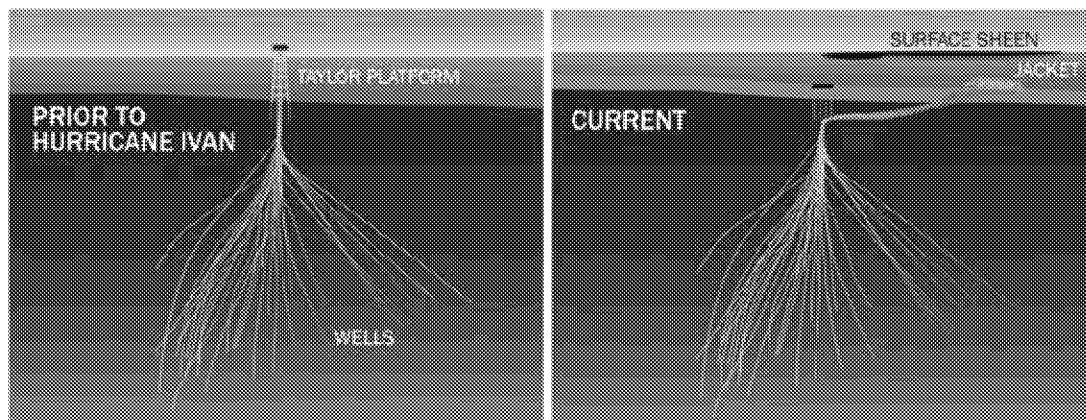
In an earlier statement, the eight states pointed out that EPA originally asserted that pollution reductions that would result from the landfill emission rules would improve air quality and reduce potential for public health effects from landfill gas emissions. But "instead of working to support and ensure compliance ... EPA has worked to undermine them," the states contended.

The EPA argues the lawsuit should be put on hold as it plans to enforce the rule in 2023.

Source URL: <https://www.waste360.com/legal/epa-lawsuit-around-landfill-emissions-rule-moving-forward>

Environmental group seeks to intervene in lawsuit over Taylor Energy spill

Posted Mar 28, 9:08 AM



Taylor Energy's oil production platform at Mississippi Canyon, Block 20, in the Gulf of Mexico before and after Hurricane Ivan. (Images from Taylor Energy documents)

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By [Sara Sneath, NOLA.com | The Times-Picayune](#)

An environmental group is seeking to intervene in the legal dispute between Taylor Energy Company and the U.S. Coast Guard over the company's handling of a long-running oil leak at a site 10 miles Southeast of the mouth of the Mississippi River.

Healthy Gulf, formerly known as Gulf Restoration Network, filed a motion to intervene in the suit, filed by Taylor Energy in response to the Coast Guard's order requiring the company to contain the leak. The environmental group seeks to support the order, said Cynthia Sarthou, executive director of Healthy Gulf.

“Something needs to be done to stop that continuing discharge,” she said. “Our job is to protect the natural resources for the Gulf of Mexico. That’s what our mission is.”

The leak has been ongoing for 14 years. It began in 2004 when Hurricane Ivan triggered an underwater mudslide that toppled a platform and damaged 25 connected wells. Department of Interior regulations required to permanently plug and remove the abandoned offshore lease within one year. But the well bores were buried under 150 feet of mud and sediment in a “tangled web” making it difficult for the company to decommission the site.

As a result, federal officials allowed Taylor Energy more time to explore alternatives for decommissioning the well, according to court documents. Since 2004, nine wells have been plugged and containment domes were placed over three areas that were leaking. But a crude oil sheen has continued to be visible on the ocean surface above the downed platform. The platform remains on the seabed, partially buried and about 550 feet downslope from its original location.

The Coast Guard and Taylor Energy are in disagreement about how much oil is leaking from the site and the source of the leak.

Federal authorities say one or more wells are actively leaking oil and gas, and that the leak could be in the order of hundreds of barrels per day. They base their position on multiple side-scan surveys beginning in 2012 and continuing into 2018, which found plumes flowing from the seafloor near the downed platform, according to court documents. A 2018 report based on an independent analysis of satellite imagery by

After the 2018 report was released, the U.S. Coast Guard ordered Taylor Energy to take action to contain the spill under the Clean Water Act. Arguing that the company failed to do so, the U.S. Coast Guard hired a private contractor based out of Belle Chasse to contain the leak.

But Taylor Energy disputes the 2018 report findings. In a recent [news release](#), the company called information cited by the Coast Guard “junk science.” The company maintains that the sheen on the water surface above the downed platform is from contaminated sediment on the seafloor, not an active leak. Taylor Energy argues that containment efforts would cause oil that’s currently trapped to be released causing “far more environmental harm than good.”

The company has also filed a lawsuit against the contractor hired by the U.S. Coast Guard, Couvillion Group, LLC. Taylor Energy claims that more oil is already being released as a result of Couvillion’s work.

“The evidence is already apparent. The observed sheen volumes have spiked higher since the Coast Guard’s contractor began work at the site,” the company argues in a [Taylor Energy website about the dispute](#). “The Coast Guard is acting recklessly and with unprecedented secrecy, underscoring Taylor Energy’s concern for the potential harm to the environment,” the website reads.

Taylor Energy did not respond to questions about the lawsuit and containment efforts. Couvillion Group owner Timothy Couvillion said his company has made progress on installing the containment system.

“The majority of the preparations prior to installing the containment equipment have been completed and installation of the components will take place over the next few weeks,” Couvillion wrote in an email.

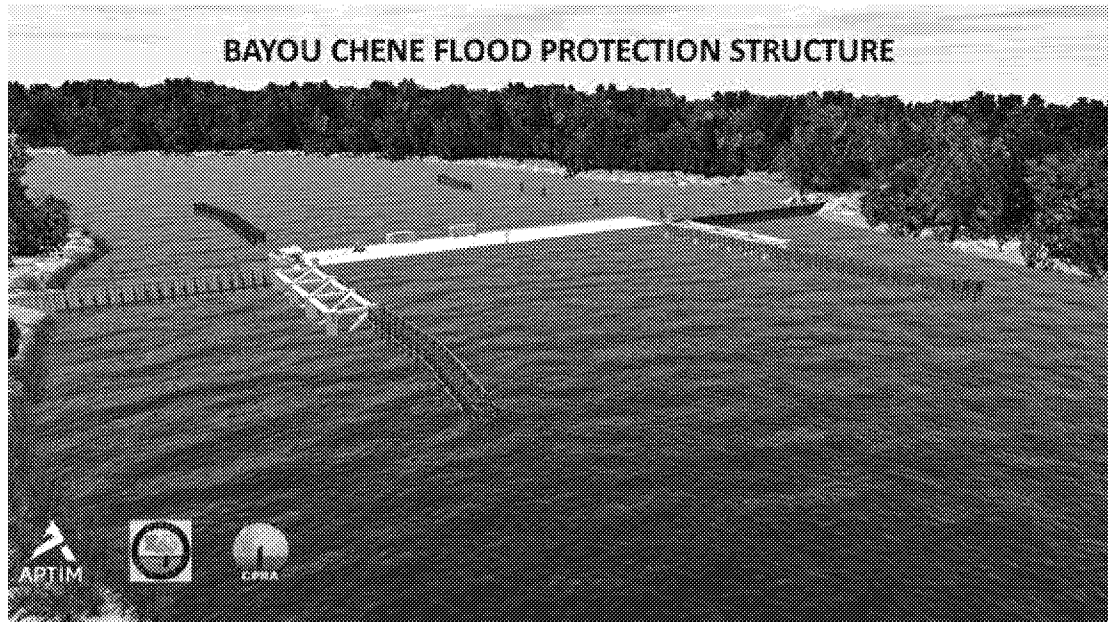
On Friday (March 22), the U.S. Coast Guard challenged Taylor Energy’s ability to support some of the claims in the company’s lawsuit. In a motion to dismiss parts of Taylor’s lawsuit, the Coast Guard argued the company has not provided any information to support its assertion that Couvillion’s containment system will cause environmental damage.

The Coast Guard also said Taylor has failed to show how possible damage to the environment would cause injury to Taylor Energy itself. “The ongoing damage to the marine environment will continue unabated without any containment,” the Coast Guard’s filing reads.

If Healthy Gulf gets intervenor status in the case, the group would be permitted to file legal briefs voicing its concern for possible environmental damage caused by the oil leak, said Chris Eaton, an attorney with Earthjustice acting on behalf of Healthy Gulf.

State to spend \$80 million on flood protection barge gate for Morgan City area

Posted Mar 28, 3:32 PM



An artist rendering of the proposed Bayou Chene barge gate, in the closed position, at Amelia, near Morgan City. The Coastal Protection and Restoration Authority on Wednesday (March 27) committed \$80 million to the project's design and construction.

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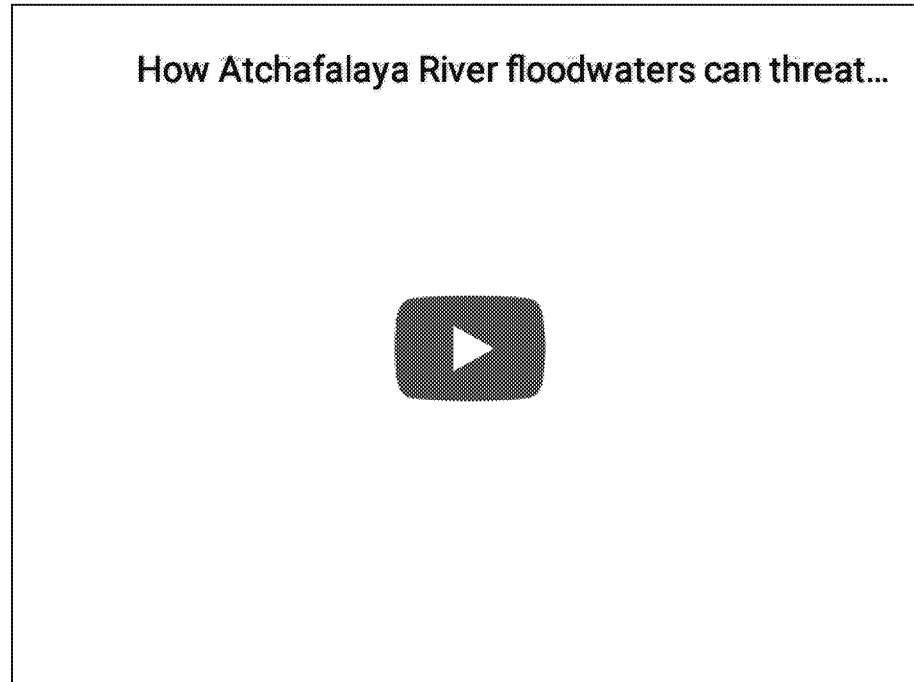
By Mark Schiefstein, NOLA.com | The Times-Picayune

The state Coastal Protection and Restoration Authority will provide \$80 million over the next three years to build a major barge floodgate on Bayou Chene at Amelia that is aimed at blocking backwater flooding of large parts of Morgan City and St. Mary Parish and five other parishes during high water events on the Atchafalaya River.



The funding commitment was announced by Gov. John Bel Edwards at the Port of Morgan City on Wednesday (March 27).

The money nearly covers the remaining cost of designing and building the permanent barge gate, which could be under construction by the St. Mary Levee District as soon as April 2020. The new gate will take the place of the temporary sinking of barges in the same location during high river events, which have occurred since 1973.



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The levee district received approval of permits for the new structure in October, more than five years after announcing the project.



New coastal projects in central, western Louisiana added to master plan

"Backwater flooding in St. Mary and neighboring parishes has increasingly been a problem over the past decade as the Mississippi River and in turn, the Atchafalaya, has reached flood stage," said Gov. John Bel Edwards in a Wednesday (March 27) news release announcing the funding agreement. "Thanks to heroic, emergency efforts by the St. Mary Levee District, the worst was averted in both 2011 and 2016. Today, we are investing in this flood protection project to provide a permanent, long-lasting solution for the people of St. Mary's Parish and the surrounding region."

During high river events, such as the one occurring on the Mississippi in south Louisiana now, 30 percent of the river's flow continues to be transferred into the Atchafalaya River system at the Old River Control Structure north of Baton Rouge. The high water in the Atchafalaya begins backing up through Bayou Chene, moving from west to east around Morgan City and then north, where it can overtop existing levees or wetland buffer areas, causing flooding.

The CPRA had been reviewing the potential for a permanent gate at the Amite location since just before a similar high-river event in 2011, and the project was included in both the 2012 and 2017 Coastal Master Plans.

Earlier this year CPRA made \$5 million available from its present budget to complete

Security Act. That law requires the state to use the money for coastal restoration or for projects that protect coastal areas from flooding.

CPRA's proposed fiscal year 2020 annual plan, which projects how money will be spent on Master Plan projects, calls for \$50 million for the lock project in 2020, \$20 million in 2021 and \$5 million in 2022.

"CPRA primarily looks to the GOMESA revenue stream to provide flood protection to coastal communities," said CPRA chairman Chip Kline in the news release. "When projects like this one can reduce risk for multiple jurisdictions and parishes, we know we are making the right investment."

The 400-foot-long barge gate will swing into place between braced steel sheet pile floodwalls. When sunk, its top will be 10 feet above sea level.

The project also calls for Avoca Road to be elevated to 8 feet, and 8-foot-high levees on both sides of the structure. A six-foot-high weir structure also will be built at the end of Tabor Canal.

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EPA Science Panel Considering Guidelines That Upend Basic Air Pollution Science

By [REBECCA HERSHER \(/PEOPLE/REBECCA-HERSHER\)](#) • 13 HOURS AGO



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Smog filled Utah's Salt Lake Valley in January 2017. Winter weather in the area often traps air pollution that is bad for public health.

GEORGE FREY / GETTY IMAGES



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Originally published on March 29, 2019 6:04 am

Several members of a powerful science panel for the Environmental Protection Agency expressed doubt at a hearing Thursday about the long-established scientific consensus that air pollution can cause premature death.

The panel was meeting to consider recommendations that would fundamentally change how the agency analyzes the public health dangers posed by air pollution, and could lead to weaker regulation of soot.

The recommendations concern how the EPA regulates microscopic soot known as particulate matter, which causes and exacerbates respiratory diseases such as asthma. Determining exactly how much particulate matter is safe to breathe requires complex analysis of an enormous — and growing — body of scientific literature.

Before the EPA disbanded it (<https://www.sciencemag.org/news/2018/10/trump-s-epa-scrap-air-pollution-science-review-panels>) last year, a 20-person subcommittee called the Particulate Matter Review Panel was responsible for helping the agency decide how much air pollution is safe for Americans to breathe. With that group gone, only the seven-member Clean Air Scientific Advisory Committee is left to make recommendations.

At a public meeting Thursday that ran nearly two hours long, multiple members of that committee, including Chair Tony Cox and Steven Packham (https://faculty.utah.edu/u0586117-STEVEN_C_PACKHAM_Ph_D._DABT/hm/index.html) of the Utah Division of Air Quality, said they do not

agree that breathing air polluted with soot can lead to an early death.

"[Committee] members have varying opinions on the adequacy of the evidence supporting the EPA's conclusion that there is a causal relationship between [particulate matter] exposure and mortality," said Cox, reading from the committee's draft recommendations before explaining that he is "actually appalled" at the lack of scientific evidence connecting particulate pollution to premature death.

"This is waving a red flag in front of a bull, so I acknowledge that," Cox continued.

The draft recommendations would dramatically limit the breadth and depth of the science used to determine safe air pollution limits in the U.S. by pushing the EPA to limit the types of studies considered during the regulatory process.

The EPA currently bases its air pollution regulations on a wide range of scientific studies about the relationship between health outcomes, such as asthma or premature death, and different types of air pollution, such as soot of different microscopic sizes.

"The EPA has a very well-vetted process that has been going on over the years called the weight of the evidence," says Francesca Dominici (<https://www.hsph.harvard.edu/francesca-dominici/>), a biostatistician at the Harvard T.H. Chan School of Public Health who recently wrote about the draft recommendations (<http://science.sciencemag.org/content/early/2019/03/20/science.aaw9460>) in the journal *Science*. "This is a process that has been endorsed not only by the EPA, but by the National Academy of Sciences, [and] is pretty well accepted by the scientific community."

"Every time you try to assess the link between exposure to a contaminant and health," Dominici says, "you have to make sure there is consistency in the evidence across many, many studies, across many disciplines," including atmospheric chemistry, toxicology, epidemiology and exposure and data science. That's important, she explains, because no one study captures everything about a given pollutant.

"You can't randomize millions of [people] around the world to breathe higher pollution or lower pollution, so we have to rely on observational data," Dominici says.

Decades of broad analysis have enabled scientists to make clear recommendations to the EPA about how to protect Americans from air pollution. "They're providing a very robust message that air pollution is harmful to human health," Dominici says.

But at Thursday's hearing, Cox and others expressed concern that the current system overstates the scientific certainty around air pollution.

"If we don't know that X causes Y, then we should say we don't know," said Cox, who consults and lectures about various risk-related topics. He expressed concern that the EPA would move to reduce air pollution under the erroneous assumption that it would result in fewer premature deaths.

To avoid that, Cox has shepherded through recommendation language that emphasizes uncertainty about the relationships between air pollution and respiratory disease.

If the EPA adopts those recommendations, many scientists warn it will lead the agency to underestimate the effects of air pollution on public health.

"I just want to emphasize the fringe nature of these proposals," says H. Christopher Frey (<https://www.ccee.ncsu.edu/people/frey/>), a former chair of the Clean Air Scientific Advisory Committee and member of the now-disbanded particulate matter review board.

"It's kind of like the same issues that came up with tobacco denial of health effects or denial of climate change health effects," Frey says. "There's a very small community that have scientific credentials but are moving outside their area of expertise to try to raise doubt after doubt after doubt on issues where they really don't have the strongest competence."

"There are other experts who are much stronger, much better informed, much more aware of the leading edge," he argues.

In a surprise development, the full panel appeared to agree that other experts should be brought in to review the current recommendations. Members are calling on the EPA either to reinstate the disbanded 20-person panel of particulate matter experts or to create a new expanded panel with even broader expertise to review the recommendations of the Clean Air Scientific Advisory Committee before they become final.

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Loans to fund water, sewer upgrades

by Arkansas Democrat-Gazette | Today at 1:01 a.m.

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Five Arkansas municipalities collectively will receive \$5.7 million in loans for improvements to water and wastewater systems, the U.S. Department of Agriculture announced Tuesday.

The announcement is part of periodic grant and loan investment by the department's Rural Development division. The agency said Tuesday that it had provided \$116 million worth of grants and loans -- largely loans -- to rural utilities in 23 states.

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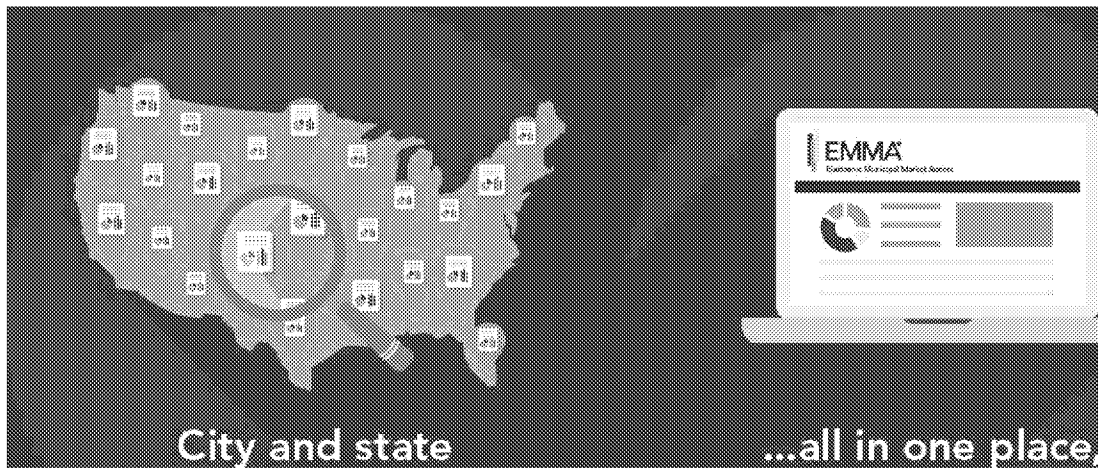
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Pea Ridge will receive a \$2.5 million loan to expand its wastewater-treatment facility. The city has a population of 4,794 and received a \$5.6 million loan previously.

A \$2.4 million loan will go to Lake City to rehabilitate its system to meet health and sanitary standards.

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Reyno will get a \$399,000 loan to upgrade its water tank and water distribution system to help the city meet health standards.

The municipality of Sulphur Rock will receive a loan of \$286,000 and Oak Grove Heights will get a \$166,000 loan to rehabilitate their wastewater systems. The loan will help Sulphur Rock meet health and sanitary standards.

NW News on 03/29/2019

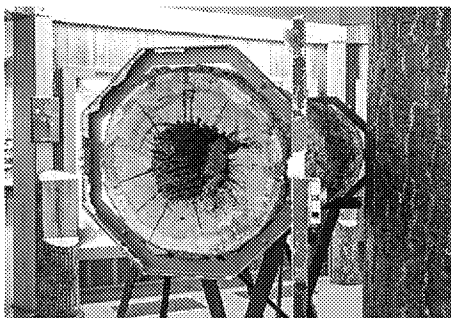
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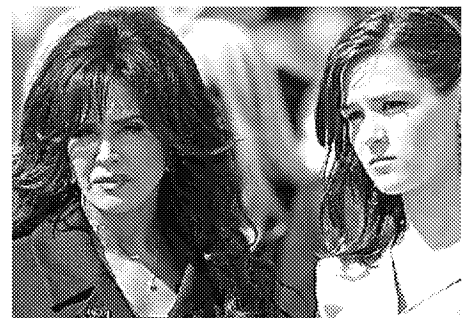
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House Subcommittees Hold Hearing on EPA's IRIS Program

Article By:

TCSA Blog at Bergeson Campbell

On March 27, 2019, the House Science, Space, and Technology Subcommittee on Investigations and Oversight and Subcommittee on Environment held a hearing on “EPA's IRIS Program: Reviewing its Progress and Roadblocks Ahead.” The hearing focused on issues with the U.S. Environmental Protection Agency's (EPA) Integrated Risk Information System (IRIS) Program, as described in two recent reports issued by the U.S. Government Accountability Office (GAO), Chemical Assessments: Status of EPA's Efforts to Produce Assessments and Implement the Toxic Substances Control Act (Chemical Assessments Report) and High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas (High-Risk Report).

Background

As reported in our March 6, 2019, memorandum, “GAO Reviews EPA's IRIS Assessment Efforts and Implementation of TSCA Reforms,” on March 4, 2019, GAO published the Chemical Assessments Report. The Chemical Assessments Report describes the extent to which the IRIS Program has addressed identified challenges and made progress toward producing chemical assessments; and assesses whether EPA has demonstrated progress implementing the Toxic Substances Control Act (TSCA).

GAO reports that, in June 2018, EPA leadership in the Office of Research and Development (ORD) reportedly told IRIS officials not to release any IRIS-associated documentation without a formal request from EPA program office leadership. In August 2018, EPA program office leadership was asked to reconfirm which ongoing IRIS assessments their offices needed. In late October 2018, leadership in ORD reportedly asked these offices to limit their requests further, to the top three or four assessments. GAO states that at the same time, four months after IRIS assessments were stopped from being released, 28 of approximately 30 IRIS staff were directed to use 25 to 50 percent of their time to support TSCA implementation.

When EPA deliberations about the IRIS Program's priorities were completed, a memorandum was issued on December 4, 2018, listing 11 chemical assessments that the IRIS Program would develop. Although this was a reduction of the Program's workflow from 22 assessments, GAO states that the memorandum “gave no reason for the reduction.” GAO notes that it received this memorandum at the end of its review and did not have the opportunity to review the prioritization process that led to its drafting.

In its March 6, 2019, High-Risk Report, GAO included “Transforming EPA's Process for Assessing and Controlling Toxic Chemicals” on a list of three areas that have regressed in their ratings against GAO's criteria for removal from the High-Risk List. GAO notes that since adding this area to its High-Risk List in 2009, it has made 12 recommendations to EPA related to the IRIS Program and TSCA. According to GAO, while EPA has taken steps to manage chemicals that pose risks to human health and the environment, leadership and implementation challenges remain. More information on the High-Risk Report is available in our March 8, 2019, memorandum, “EPA's Process for Assessing and Controlling Toxic Chemicals Remains on GAO's High-Risk List.”

Hearing

The following opening statements are available online:

- Representative Miki Sherrill (D-NJ), Chair of the Subcommittee on Investigations and Oversight;
- Representative Lizzie Fletcher (D-TX), Chair of the Subcommittee on Environment;
- Representative Eddie Bernice Johnson (D-TX), Chair of the House Committee on Science, Space, and Technology;
- Representative Frank Lucas (R-OK), Committee Ranking Member;
- Representative Ralph Norman (R-SC), Ranking Member of the Subcommittee on Investigations and Oversight; and
- Representative Roger Marshall (R-KS), Ranking Member of the Subcommittee on Environment.

The first panel of witnesses included:

- Dr. Jennifer Orme-Zavaleta, Principal Deputy Assistant Administrator for Science for ORD, EPA Science Advisor, EPA; and
- Mr. Alfredo Gomez, Director, Natural Resources and Environment, GAO.

Members of the Committee and Subcommittees had a number of questions regarding the GAO's finding that EPA leadership in ORD reportedly told IRIS officials not to release any IRIS-associated documentation without a formal request from EPA program office leadership. Members also focused on the two surveys conducted to determine IRIS priorities: the first, in August 2018, asking EPA program office leadership to reconfirm which ongoing IRIS assessments their offices needed; and the second, in late October 2018, asking these offices to limit their requests further, to the top three or four assessments. On December 4, 2018, a memorandum was issued listing 11 chemical assessments that the IRIS Program would develop. Gomez expressed concern about the increased involvement of political leadership in ORD, such as the directive that IRIS officials not release any IRIS documents without instruction from EPA program office leadership.

Orme-Zavaleta stated that she was not involved in the discussions between the first and second surveys of the EPA program offices. She noted that after receiving responses to the first survey, there was concern that the requests for 50 or so chemicals was too large for IRIS to manage. For the second survey, she received "templates" that were signed off on by the assistant administrators for the offices, for a total of 11 chemicals. The templates reported the priority chemical assessments that were needed and by when, and how the IRIS assessments were to be used by program offices. Representative Paul Tonko (D-NY) asked about the responses submitted by the Office of Children's Health Protection (OCHP). According to Orme-Zavaleta, she received OCHP's response to the second survey the day after the December 4, 2018, memorandum was issued. Orme-Zavaleta stated that EPA will be sending another request to program offices this summer.

Questions also focused on the status of the IRIS handbook, which is expected to provide guidance for the development of IRIS assessments. According to GAO's Chemical Assessments Report, in early November 2018, IRIS officials informed GAO that EPA had almost completed internal review of the handbook, which was being prepared for public release. During the hearing, Orme-Zavaleta stated that the government shutdown delayed work on reviewing and responding to internal comments on the handbook. According to Orme-Zavaleta, although the handbook is not a final

document, elements of the handbook have been used in recent IRIS assessments.

Members also addressed the status of the IRIS assessment for formaldehyde, which has reportedly been ready since the end of 2017 but was not included on the December 2018 list of priority chemicals and, according to GAO's Chemical Assessments Report, its future is unknown. Orme-Zavaleta stated that she believes the draft IRIS assessment will help EPA evaluate formaldehyde as a high-priority prioritization process candidate under TSCA.

Witnesses on the second panel included:

- Dr. Bernard D. Goldstein, Professor Emeritus, Dean Emeritus, University of Pittsburgh Graduate School of Public Health;
- Dr. Ivan Rusyn, Professor, Department of Veterinary Integrative Biosciences, Texas A&M University; Chair, Interdisciplinary Faculty of Toxicology; Director, Texas A&M Superfund Research Center;
- Dr. Julie E. Goodman, Principal, Gradient; and
- Ms. Wilma Subra, President, Subra Company; Technical Advisor, Louisiana Environmental Action Network.

Questions for the second panel from the Committee and Subcommittee members focused on the usefulness of the IRIS Program. Goldstein stated that IRIS was intended to coordinate risk assessments throughout EPA, ensuring that the programs used the same science and minimizing the influence of political appointees. When asked how Congress can support career staff at EPA, Goldstein recommended that Congress provide as much oversight as it can. According to Rusyn, the IRIS Program is a leader in pushing risk assessment methodology forward, most recently in its implementation of systematic review.

Commentary

The hearing was largely a recap of what was already known about the IRIS program, including EPA's efforts to prioritize IRIS assessments as described by the recent GAO reporting. Perhaps not surprisingly, IRIS came under criticism from both majority and minority members. The issues raised included timeliness of outputs, IRIS' long ongoing efforts to improve and strengthen its assessments and approach, the status of the IRIS assessment handbook, and the effect of EPA's political leadership on the program.

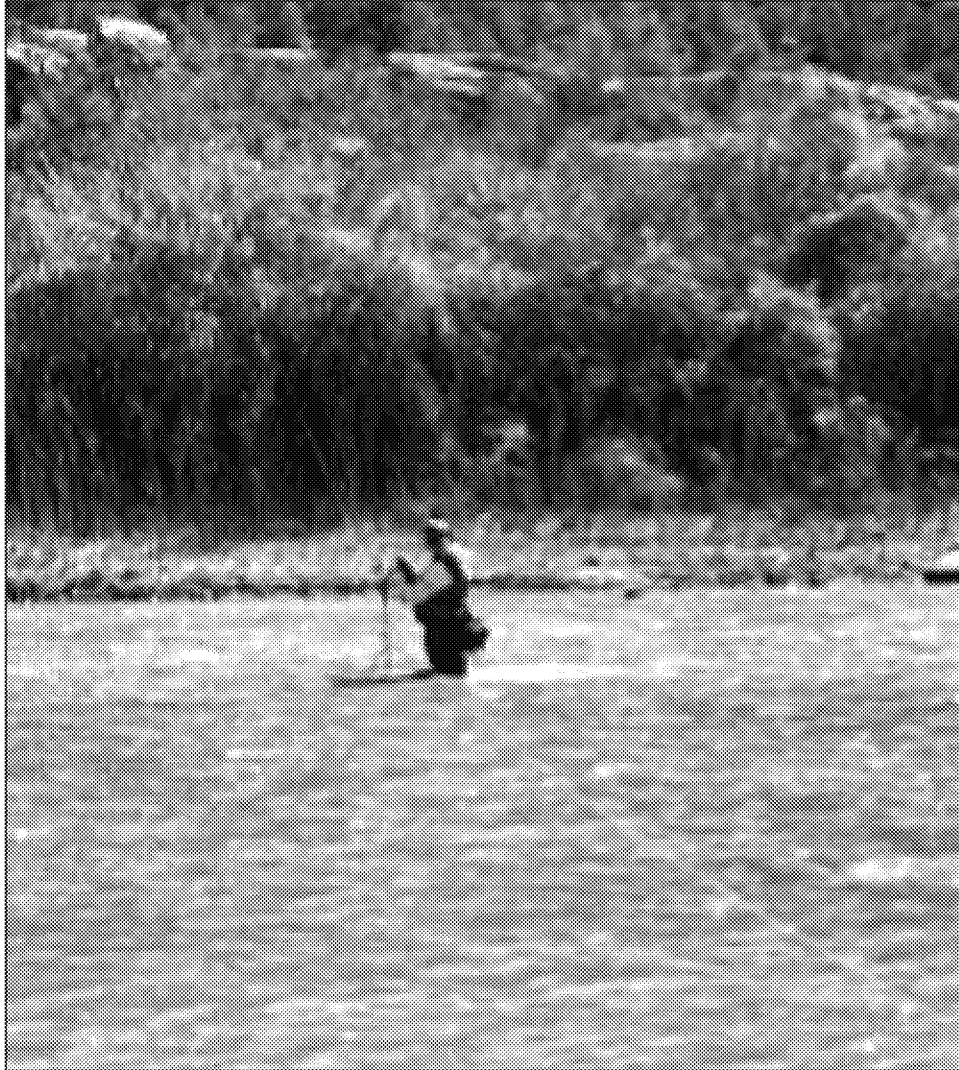
Apart from the delay and disruption of ongoing work, we can see the benefit of EPA leadership efforts to obtain clear written statements of the priorities as seen by program Assistant Administrators. Perhaps this type of confirmation step will be an ongoing feature of the IRIS program into the future.

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Water Safe After Recent Gold King Mine Release

Submitted by Carol A. Clark on March 28, 2019 - 9:39am



U.S. Geological Survey staff from the New Mexico Water Science Center sampled water in the Animas and San Juan rivers March 16-20 to analyze for the concentration of metals. Courtesy/USGS

NMED News:

SAN JUAN COUNTY — Water in the San Juan and Animas rivers is safe following the mid-March failure of the wastewater treatment facility in Gladstone, Colo., which treats drainage from Gold King Mine.

A power outage at the facility, which removes heavy metals and other contaminants from the wastewater, caused untreated wastewater from the mine to bypass the facility and enter Cement Creek for around 48 hours starting March 14. Power has since been restored and the treatment plant is functioning.

"During this incident, we closely monitored real-time data from sondes installed in the Animas and San Juan rivers," said New Mexico Environment Department Chief Scientist Dennis McQuillan. "Sonde readings for turbidity, pH and electrical conductivity provided no indication that downstream water users would be adversely impacted by this incident."

Fortunately, because of communication plans put in place since the initial Gold King Mine spill in 2015, local emergency managers and river stakeholders quickly learned of the failure. The cities of Aztec and Farmington, irrigation channel and ditch operators, Navajo Nation communities and others along the San Juan and Animas rivers were promptly alerted to the situation and took action. The small number of ditches running at this time were able to mitigate risk by closing head gates and the cities of Aztec and Farmington closed off water supplies. The City of Farmington also maintains water testing stations which automatically close off the water supply when contaminants in the river are detected.

“The system worked like it was supposed to. The U.S. Environmental Protection Agency notified my office and we in turn completed the process with our local partners,” San Juan County Emergency Manager Mike Mestas said. “We also communicated with our Navajo Nation Emergency Management partners. We thank the New Mexico Environment Department for their continued collaboration, immediate actions and concern toward the citizens of San Juan County.”

Immediately following the treatment facility failure, partners across the watershed mobilized teams to collect river water samples for laboratory testing. The EPA announced preliminary water quality sampling data today. That data confirms the real-time data provided by the water quality sondes, providing no evidence that the incident created adverse impacts to downstream drinking water or agricultural users in New Mexico.

While contaminant levels remained well below regulatory limits during the incident, heavy metals may increase during the spring snowmelt as legacy mining contaminants stored in river sediment are transported downstream by increased flow. Water quality sondes will continue to be monitored and the New Mexico Environment Department is updating a Spring Runoff Preparedness Plan in coordination with San Juan County and other local stakeholders.

As upstream partners continue to work to protect the precious water resources of the state, New Mexico agencies stand ready to respond to water quality issues resulting from the Gold King Mine spill and beyond. The testing, systems, communication and notification systems implemented after the spill worked effectively, providing assurance that New Mexico agencies are prepared to protect New Mexicans in the event of another river emergency.

ExxonMobil to report plastic pollution spills, shareholders say

By Marissa Luck Updated 7:04 pm CDT, Thursday, March 28, 2019



IMAGE 1 OF 18

This Jan. 30, 2012, file photo, shows the sign for the ExxonMobil Torrance Refinery in Torrance, Calif. Exxon has apparently agreed to start reporting when it spills plastic pellets, a major source of ocean ... more

Exxon Mobil, under pressure from shareholders, has agreed to report plastic pellet spills from its polymer production plants to prevent ocean pollution, according to a shareholder group that focuses on co

The shareholder group, As You Sow, f with several major petrochemical pro Phillips 66 and Chevron, asking for an prevent and clean up spills. Exxon ap pressure.



monitoring for spills and how it is managing pellets. It will also describe how the company assesses the effectiveness of pellet loss prevention measures. The company apparently did not have any spills though in 2018, according to As You Sow.

As a result of the agreement, As You Sow withdrew its shareholder proposal, according to SEC documents. An Exxon spokesman declined to comment beyond what was said in the SEC documents acknowledging the withdrawal of the shareholder proposal.

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"We are pleased that Exxon Mobil has agreed to do public reporting on plastic pellet spills and management," said Conrad MacKerron, senior vice president at As You Sow in a statement. "It is important for all industry players to establish similar transparency so stakeholders can get a realistic view of the size and scope of this problem. We hope the other companies we are engaged with will follow its lead."

260 species affected

Exxon's petrochemical division has several plants that produce plastic pellets, called nurdles, which are used to produce thousands of everyday plastic products. These tiny plastic pellets, which can be spilled during handling and transportation and swept into waterways, are estimated to be the second largest direct source of microplastic pollution to the ocean by weight.

The tiny pellets, the size of fish eggs, break up into smaller pieces that animals consume, killing many species, causing fatalities from ingestion, according to As You Sow.

Exxon Mobil is the first major petrochemical company to disclose plastic pellet spills publicly to shareholders. The company's deal with As You Sow in New Orleans with the anti-plastic pollution



"This is significant and huge." Patton said. "I'm glad they're willing to disclose this. but^X

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Many petrochemical companies are involved in a program called Operation Clean Sweep that aims to promote best practices for pellet management and containment to prevent pellet spills. But As You Sow has criticized the group because it doesn't require companies to publicly report spills or plastic management methods.

TEAMING UP: LyondellBasell, Dow chiefs call on industry to fix plastic waste problem

The other shareholder proposals filed with Chevron, Phillips 66 and Dow Chemical will likely be voted on during shareholder meetings this spring.

Taking responsibility

As You Sow last year was involved in successful efforts to push Starbucks to ditch plastic straws and pressure KraftHeinz, Procter & Gamble, Unilever and others to commit to increase the use of recycled packaging in their products.

Chuck Venezia, senior vice president of petrochemicals at the analyst and research firm Argus Media, said petrochemical companies typically have redundant systems to prevent spills because it's in their best economic interest to avoid losing the product. The issue of plastic pellet spills has not been a major focus area yet for the industry, but he noted that the industry is starting to take more responsibility for reducing plastic waste through better waste management systems, community education and recycling initiatives.

"There are so many benefits to plastic that everything else they need to be handled

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